S T A T E O F N E W Y O R K

11301

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to repair of damaged pesticide containers; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph b of subdivision 1 of section 33-1301 of the environmental conservation law, as amended by chapter 318 of the laws of 1992, is amended to read as follows:

b. Except as specified in regulation authorizing alternative pesticide containers, any pesticide unless it:

(1) is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing[:

(1) The] (I) THE name and address of the manufacturer, registrant, or person for whom manufactured;

[(2) The] (II) THE name, brand, or trade-mark under which said article is sold; and

[(3) The] (III) THE net weight or measure of the content; subject, however, to such reasonable variations as the commissioner may permit;OR

(2) MEETS THE REQUIREMENTS OF SUBPARAGRAPH ONE OF THIS PARAGRAPH EXCEPT THAT THE CONTAINER HAS BEEN ACCIDENTLY DAMAGED DURING HANDLING PRIOR TO SALE AND THE DAMAGE HAS BEEN REPAIRED BY SUCH PERSON IN ACCORDANCE WITH HIS OR HER OWN SPECIFIC "MINOR REPAIR PROGRAM" APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO ITS OCTOBER NINTH, TWO THOUSAND NINE PESTICIDE CONTAINER REPAIR INTERIM POLICY. A COPY OF THE APPROVED PROGRAM SHALL BE FORWARDED TO THE DEPARTMENT WITHIN THIRTY DAYS OF APPROVAL AND SHALL BE KEPT AT THE PERSON'S PLACE OF BUSINESS AND BE AVAILABLE FOR DEPARTMENT REVIEW UPON REQUEST.

S 2. This act shall take effect immediately and shall expire March 1, 2012 when upon such date the provisions of this act shall be deemed repealed.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD17290-03-0